

REMARKS

Claims 1-12 have been cancelled. New Claims 13-15 have been added, basis for which are the original claims. There is no new matter.

Claims 9-12 have been rejected under 35 U.S.C. 112, first paragraph, by the Examiner because the specification does not reasonably provide enablement for "solvates." In view of the cancelation of these claims and the presentation of new claims 13-15, this rejection is now moot.

Claim 12 has been rejected under 35 U.S.C. 112, first paragraph, by the Examiner because the scope of the term "neurological disease" is not deemed enabled. In view of the cancelation of this claim and newly presented claim 15 which recites specific neurological diseases, this rejection is now moot.

Claim 10 has been rejected under 35 U.S.C. 112, second paragraph, by the Examiner, as being indefinite, for the following reasons:

- a. It is not known what is meant by the nomenclature of the 7th species which is missing an open parenthesis;
- b. It is not known what is meant by the second occurrence of the species 1-cyclobutyl-4-({3-[3-pyridinylmethyl]oxy}phenyl)carbonyl)hexahydro-1H-1,4-diazepine (species 45) which is a duplicate of the 44th species.

In view of the cancelation of Claim 10, this rejection is moot.

Claims 10-12 have been rejected under 35 U.S.C.102(e) as being anticipated by Martin et al. (U.S. Patent No. 7,449,464). According to the Examiner, "Martin teaches the compounds, compositions, and method of use of the compounds of formula (I) where R³ is phthalazin-1-one; X is CH₂; R² is H or F; and R¹ is n-butyl, -CH₂CH(CH₃)CH₂CH₃, -CH₂CH(CH₂CH₃)CH₂CH₃, n-pentyl, propyl, cyclopropylmethyl, -CH₂C(CH₃)₃, -CH₂CH₂CH(CH₃)₂, isopropyl, -CH₂CH(CH₃)₂, etc. as set forth in column 110, 111, 114, 116 and 119."

In view of the cancelation of claims 10-12 and newly presented claims 13-15 this rejection of the claims is now moot.

Claims 10-12 have been rejected under 35 U.S.C.102(e) as being anticipated by Ratcliffe et al. (U.S. Patent No. 7,148,215). According to the Examiner, Ratcliffe teaches the compounds, compositions and metho of use of the compounds of formula (I) where R³ is 7-chloro-6-methyl-8-amido-3,4-dihydro-1-pyrrolo[1,2-a]pyrazine, 7-cyano-6-methyl-8-amido-3,4- dihydro-1-pyrrolo[1,2-a]pyrazine, 7-chloro-6-trifluoromethyl-8-amido-3,4-dihydro-1-pyrrolo[1,2a]pyrazine, 7-cyano-6-trifluoromethyl-8-amido-3,4-dihydro-1-pyrrolo[1,2-a]pyrazine, 7-chloro-8-amido-3,4-dihydri-1-pyrrolo[1,2-a]pyrazine, 7-cyano-8-amido-3,4-dihydro-1-pyrrolo[1,2-a]pyrazine, etc.; X is NHCO; R² is H; and R¹ is isopropyl as set forth in columns 37, 43 and 126.

In view of the cancelationof claims 10-12 and newly presented claims 13-15, this rejection of the claims is now moot.

Applicants reserve the right to file canceled subject matter in a continuation application.

In view of the foregoing amendments, remarks, and arguments, it is respectfully submitted that the present application is in condition for allowance. An early consideration and Notice of Allowance are earnestly solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,

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